

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN THOMPSON,

Plaintiff,

-against-

SGT. BOOTH, C.O., et al.,

Defendants.

ORDER

16-CV-03477 (PMH)

PHILIP M. HALPERN, United States District Judge:

Upon the Order to Show Cause dated October 12, 2021, the Declaration of Hallie McDonald, Esq., dated October 8, 2021, the exhibits annexed thereto, and all other papers and pleadings in this action, and it appearing to the satisfaction of the Court that Defendant Troy L. Booth was served with the Summons and Complaint, and having failed to defend this action, Defendant's responsive pleading to the Complaint being stricken pursuant to Fed. R. Civ. P. 37, and having failed to oppose Plaintiff's motion for default judgment by November 22, 2021 in accordance with the Court's November 8, 2021 Order, upon the application of Cozen O'Connor, attorneys for Plaintiff, it is hereby

ORDERED, ADJUDGED AND DECREED that default judgment is granted on Plaintiff's Cause of Action for violation of the Eighth Amendment due to Excessive Force; and the Clerk of the Court shall enter judgment in favor of Plaintiff and against Defendant as to liability only; and it is further

ORDERED, ADJUDGED AND DECREED that an inquest shall be held on **March 10, 2022 at 11:00 a.m.** at The Hon. Charles L. Brieant Jr. Federal Building and Courthouse, 300 Quarropas Street, White Plains, New York, in Courtroom 520 to make an assessment of Plaintiff's claim for damages, and attorney's fees, costs, disbursements and interest. Plaintiff's counsel is

directed to serve and file by February 2, 2022: (1) an affidavit from a party with personal knowledge of damages and the basis for each element of damages, including interest, attorney's fees, and costs, constituting the direct testimony of each witness to be called at the inquest, attaching exhibits as necessary to support the basis therefor; and (2) a memorandum of law in support (*see* this Court's Individual Practices Rule 4.H.). Defendant Booth, should he be so advised, must serve and file opposition by February 16, 2022. Reply, if any, shall be served and filed by February 23, 2022.

SO ORDERED:

Dated: White Plains, New York
December 7, 2021



PHILIP M. HALPERN
United States District Judge